

# FOREST LEGACY

## UPDATE

November 2002

### House appropriations completes investigation of Forest Legacy Program

*By Richard Cooksey, Washington DC*

On November 30, 2001, the House of Representatives Committee on Appropriations, Surveys and Investigations Staff wrote to the Secretary of Agriculture and the Chief of the Forest Service informing them that they would conduct an inquiry into the Forest Legacy Program (FLP). Over approximately six months a five-person team conducted the inquiry and developed a report of findings based on interviews, and the review of documents and financial data provided by the Forest

Service (FS) and State officials. The team visited the Washington Office numerous times, held meetings and visits at five regional offices responsible for FLP implementation, 16 State offices and conducted interviews with corporations, non-profit and land trust organizations and individual landowners. The House Surveys and Investigations Staff concluded their work and submitted a final report to the Committee Chair on June 14, 2002.

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### Uncovering the mystery of Federal Appraisal Standards

*By Elizabeth S. Crane, Atlanta GA*

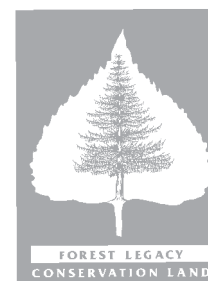
Over the past two years, every State that has submitted a Forest Legacy appraisal to a Federal Review appraiser has had the appraisal returned. Additional work was required so that appraisal could meet Federal appraisal standards. Eventually, they all met Federal standards. However, this indicates that the intricacies of Federal appraisal standards require explanation.

Forest Legacy requires payments made to landowners for lands and interests in lands (reserve interest deeds and conservation easements) shall be in accordance with

Federal appraisal and acquisitions standards and procedures. In other words, appraisals for all Forest Legacy tracts will meet the "Uniform Appraisal Standards for Federal Land Acquisitions", known to some as the "Yellow Book."

Reserve interest deeds are a type of easement whereby the grantee (easement holder) acquires all rights, title, and interests in a property, except those rights, title, and interests that may run with the land that are expressly reserved by a grantor (landowner).

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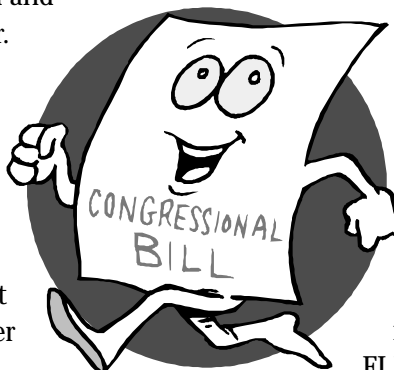
*Protecting Important  
Forests from Conversion  
to Nonforest Use*



# Will the new farm bill effect the Forest Legacy Program?

By Richard Cooksey, Washington DC

On May 1, 2002, Congress passed the Farm Security and Rural Investment Act of 2002. This Farm Bill was predominately the version developed and passed by the House last year. The new law does not affect the Forest Legacy Program (FLP) directly. The Forest Stewardship Program still exists and will continue to be the primary program used to meet the requirement that all FLP project lands be under a Stewardship Management Plan or a multi-resource management plan. The new Forest Lands Enhancement Program (FLEP) could benefit FLP land-owners by providing cost share incentives to



carry out practices outlined in their plans to manage and enhance their forestland in the same ways that the earlier cost share programs did. FLEP is different in that it only requires a general forest management plan for the portion of the land that the "project or activity funded under the program will be carried out." Although this is a less stringent planning requirement to participate in FLEP, it will not affect FLP. Go to <http://www.usda.gov/farmbill/> and click on Title VIII, Forestry for more information.

## West Branch Maine

Maine Governor Angus S. King Jr., members of the Maine Congressional delegation, the Forest Society of Maine, and Wagner Forest Management, Ltd., reached an agreement to secure the permanent conservation of 329,000 acres in Maine's fabled North Woods. The West Branch lands will be conserved for outdoor recreation, sustainable forestry and ecological values through a 282,000-acre conservation easement to be held by the Forest Society of Maine and the acquisition by the State of Maine of approximately 47,000 acres north of Moosehead Lake and along the headwaters of the St. John River. The projected cost of the fee lands, easement and stewardship endowment approaches \$35 million. The state and Forest Society of Maine (FSM) worked with the Congressional delegation who secured \$17.2 million from the federal Forest Legacy Program and who are seeking an additional \$2.8 million from the Forest Legacy Program in the '03

fiscal year budget. Another \$1 million is from the Land for Maine's Future Program to support the fee purchase by the state. FSM will undertake a capital campaign to raise the balance to meet an anticipated closing in 2003.

"This is a stunning opportunity coming in the midst of the most significant period of land conservation in Maine's history," said Governor King. "We must spare no effort to ensure its success," he added. The 329,000 acres that will be protected from development by the easement and state acquisition attract tens of thousands of campers, anglers, hunters, canoeists, snowmobilers and vacationers each year. Continued public use will be assured along with timber production that has sustained the region's economy for 150 years. "This project will maintain the unique character and traditions of the Northern Forest-economic, recreational and ecological," said

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# Warren Archey Retires Pittsfield, MA

By Deirdre Raimo, Durham NH

A State Forester who is able to move his office out of the congested State Capital, to scenic Pittsfield, Massachusetts 90 miles away exhibits ingenuity. On March 4, 2002, eleven days before he retired, Warren Archey was recognized for the innovations he introduced to the Forest Legacy Program. Deirdre Raimo, USDA Forest Service official, presented a certificate of appreciation from the USDA Forest Service at a Massachusetts Forest Legacy Committee meeting. Archey was recognized for developing the first Forest Legacy Assessment of Need, and for designing a program that officially recognized the efforts of land trusts.

Warren Archey continued to test and push every aspect of the Forest Legacy Program perhaps out of necessity to maintain the Massachusetts program with limited resources. Never hesitant to take a chance, Massachusetts continued to solicit projects when funding looked grim, in order to be prepared if and when money became available. The risk paid off when excess

funds were freed up from other projects. Massachusetts, a State with focused Forest Legacy Areas and small average forest ownerships is holding its own with the big guys in projects completed and expenditure of FLP funds.

"I have a great affection for Forest Legacy as you know," says Archey. "Retirement is a bittersweet experience – I miss the staff and working on issues of great substance, but enjoy the freedom to pursue other undertakings," writes Warren from his home in Pittsfield.

At a Forest Legacy meeting, Warren Archey chose John Wayne, to play himself in a movie of his life. Archey was a man of action and took risks with regard to Forest Legacy. John Wayne was known for playing courageous characters; a feasible fit.



Photo by John Scanlon

*Warren Archey, right, accepts a Certificate of Appreciation from the USDA Forest Service and congratulations from Deirdre Raimo.*

## Investigation cont'd

The FLP gets 95% of the funding to the ground and the leveraging of Federal dollars with State and private contributions exceeds the minimum 25% non-federal cost share requirement. The regional FLP program managers are respected and said to be providing good technical and customer service. The FS and States are satisfied with FLP implementation at the State level. Good partnerships exist between the FS, States and non-profit organizations. Land trust and non-profit organizations are important partners to FLP and provide valuable assistance to the States.

The report also pointed out weakness in the FLP including the lack of a national strategy for implementation inconsistent

of implementation from state to state. More structured direction, policy and guidance is needed from the Washington Office. Financial management is insufficient and the Forest Service financial system is not linked to program management or well used for that purpose. Financial information is inconsistently derived across the country. Other concerns raised in the report dealt with program oversight, project selection, appraisals, and Congressional earmarking of specific projects.

The Forest Service has convened a team and is preparing a response to this report. The report has been made public and can be viewed at: <http://www.house.gov/appropriations/info/03forestrpt.pdf>



*West Branch Maine cont'd*

Alan Hutchinson, Executive Director of the Forest Society of Maine.

West Branch Project lands are an important component of the vision for future economic vitality held by businesses, civic leaders and landowners from the Moosehead Lake region. With over 85% of the project area remaining in private hands subject to a conservation easement, the working forest will continue to support the region's economy. "Forest products and recreation are essential components of

Maine's economy and provide the financial underpinnings for Maine's North Woods communities, making the Forest Legacy Program a good fit for the West Branch project." said Karen Mollander, USDA Forest Service official.

The easement together with the additional state lands will ensure that these lands will continue to provide habitat for populations of bear, fisher, moose, and deer, and of great significance, lynx and martin - two critical species that require very large expanses of undeveloped forest - such as the lands of the West Branch Project. As part of the conservation package, the State Department of Conservation will acquire approximately 41,500 acres of productive forestland that will continue to supply a flow of wood to area mills while also protecting almost 70 miles of lakeshore and 16 miles of river frontage. Two pairs of bald eagles nest in the area and it provides some of the regions most important deer wintering habitat. "The West Branch Project ensures that forest land will remain productive while safeguarding from development some of the state's most treasured natural resources. It is an outstanding investment in our future," said Maine's senior Senator, Olympia Snowe. [www.state.me.us/doc](http://www.state.me.us/doc)

*Appraisals cont'd*

Appraisals from each Forest Legacy Project are reviewed. The easement language, legal description and the property rights appraised must match what is being purchased. Hence, an appraisal cannot be completed without the terms of the conservation easement being completely negotiated. For example, if the landowner is retaining the right to harvest timber, the value of the timber remains with the grantor, though its value may be impacted by any easement restrictions on harvest.

Federal standards require articulation of the purpose of the appraisal, the intended use and the intended user. Comparing sales of similar properties in the area is generally the best method to ascertain value. Quality maps of both the Forest Legacy property and comparable sale properties are essential. To see the Uniform Appraisal Standards for Federal Land Acquisitions, go to: <http://www.usdoj.gov/enrd/land-ack/>



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The Forest Legacy Program was established in the 1990 Farm Bill. State and Federal partners implement the program together. Information sharing occurs in many ways including this periodic update. If you would like to receive a copy, please send a request to *Forest Legacy*, USDA Forest Service, 1720 Peachtree Road NW, Atlanta, GA 30309.

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